

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

IN RE:

MARITIME COMMUNICATIONS/
LAND MOBILE, LLC,

Debtor.

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CASE NO. 11-13463-DWH

CHAPTER 11

**RESPONSE TO DEBTOR'S EMERGENCY MOTION
TO AUTHORIZE FINANCING PURSUANT TO 11 U.S.C. § 364**

Warren Havens, Skybridge Spectrum Foundation, Verde Systems LLC (formerly called Telesaurus, VPC LLC), Environmental LLC (formerly called AMTS Consortium LLC), Intelligent Transportation & Monitoring LLC, and Telesaurus Holdings GB LLC (collectively, "SkyTel")¹ submit this response (the "Response") to the *Debtor's Emergency Motion to Authorize Financing Pursuant to 11 U.S.C. § 364* (the "Motion," Dkt. No. 28), as follows:

1. SkyTel objects to the Motion because, as discussed in detail in SkyTel's *Objection to Debtor's Emergency Motion to Authorize Financing Pursuant to 11 U.S.C. § 364* (the "Objection," Dkt. No. 44), which Objection was filed prior to the interim hearing on the Motion and is hereby incorporated herein by reference, the Debtor has failed to meet its burden of proof under Bankruptcy Code § 364 and Bankruptcy Rule 4001. Indeed, the Debtor has failed to establish that it is unable to obtain credit on more favorable terms than those provided by § 364, and has likewise failed to establish that the subject financing is in the best interests of the estate and its creditors. (*See* Dkt. No. 44, pp. 3-6).

¹ The SkyTel entities listed here are separate legal entities, all managed by Warren Havens, and for the purposes of this bankruptcy and in related proceedings before the Federal Communications Commission ("FCC"), pursue certain common interests.

2. Notwithstanding the above, SkyTel does not object to entry of a Final Order on the Motion which is substantially identical to the Interim Order entered by this Court on September 21, 2011 (the "Interim Order," Dkt. No. 68).

WHEREFORE, for the above stated reasons, and for possible other reasons to be stated at any final hearing on the Motion, Skytel objects to the Motion and requests that it be denied unless the Final Order is substantially identical to the Interim Order. Skytel further prays for general relief.

THIS the 17th day of October, 2011.

Respectfully submitted,

**WARREN HAVENS, SKYBRIDGE
SPECTRUM FOUNDATION, VERDE
SYSTEMS LLC, ENVIRONMENTAL LLC,
INTELLIGENT TRANSPORTATION &
MONITORING LLC, and TELESARUS
HOLDINGS GB LLC**

By: /s/ William H. Leech

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Danny E. Ruhl, MS Bar No. 101576

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing to be filed via the Court's Electronic Case Filing System, which caused to be served a copy on all counsel and parties of record who have consented to receive ECF notification, including the following:

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THIS the 17th day of October, 2011.

/s/ William H. Leech
Of Counsel